

Appendix A

LETTERS AND ORAL COMMENTS ON DRAFT PLAN-EIS

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Field Office
70 Commercial Street, Suite 300
Concord, New Hampshire 03301-5087



June 21, 2006

Reference: Project Location
Watershed plan Cape Cod, MA

Rick DeVergilio
U.S. Dept. of Agriculture
Natural Resources Conservation Service
451 West St.
Amherst, MA 01002

Dear Mr. DeVergilio:

This responds to your recent correspondence requesting information on the presence of federally-listed and/or proposed endangered or threatened species in relation to the proposed activity(ies) referenced above.

Based on information currently available to us, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes our review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your coordination. Please contact us at 603-223-2541 if we can be of further assistance.

Sincerely yours,

Michael J. Amaral
Endangered Species Specialist
New England Field Office



1. H. Curran
2. Carl
Orig- C.F.
copy Carl ✓
Rich

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

Cecil Curran
US Department of Agriculture
Natural Resources Conservation Service
451 West Street
Amherst, Massachusetts 01002

APR 20 2006

APR 24 2006

Dear Mr. Currin,

This is in response to your letter dated April 5, 2006 requesting information on the presence of any species listed as threatened or endangered or any designated critical habitat in the vicinity of Cape Cod, Massachusetts. The Natural Resources Conservation Service (NRCS) is developing a watershed plan for Cape Cod to restore salt marshes, restore and protect shellfish beds by treating stormwater runoff, and restoring fish passage on existing anadromous fish runs.

Several listed species of whales and sea turtles are known to occur seasonally in the waters off of Massachusetts. Federally endangered Northern right whales (*Eubalaena glacialis*) have been documented in the nearshore waters of Massachusetts from December through June and are likely to be present in Cape Cod Bay from December 15 – April 15 and Great South Channel from March 1 – June 30. Endangered Humpback whales (*Megaptera novaeangliae*) feed during the spring, summer, and fall over a range that encompasses the eastern coast of the United States. Humpback whales are found off the coast Massachusetts from March 15 – November 30. Fin (*Balaenoptera physalus*), Sei (*Balaenoptera borealis*) and Sperm (*Physeter macrocephalus*) whales are also seasonally present in New England waters but are typically found in deeper offshore waters.

Certain New England waters have also been designated as critical habitat for the Northern Right whale (final rule at 59 FR 28793). The Great South Channel critical habitat is the area bounded by 41°40' N/69°45' W; 41°00' N/69°05' W; 41°38' W; and 42°10' N/68°31' W. The Cape Cod Bay critical habitat is the area bounded by 42°02.8' N/70°10' W; 42°12' N/70°15' W; 42°12' N/70°30' W; 41°46.8' N/70°30' W and on the south and east by the interior shore line of Cape Cod, Massachusetts.

The sea turtles in northeastern nearshore waters are typically small juveniles with the most abundant being the federally threatened loggerhead (*Caretta caretta*) followed by the federally endangered Kemp's ridley (*Lepidochelys kempi*). Loggerhead turtles have been found to be relatively abundant off the Northeast coast (from near Nova Scotia, Canada to Cape Hatteras, North Carolina). Loggerheads and Kemp's ridleys have been documented in waters as cold as 11°C, but generally migrate northward when water temperatures exceed 16°C. These species are



typically present in New England waters from June 1 – November 30. Federally endangered leatherback sea turtles (*Dermochelys coriacea*) are located in New England waters during the warmer months as well. While leatherbacks are predominantly pelagic, they may occur close to shore, especially when pursuing their preferred jellyfish prey. Green sea turtles (*Chelonia mydas*) may also occur sporadically in New England waters, but those instances would be rare.

Section 7(a)(2) of the Endangered Species Act (ESA) of 1973, as amended, states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Any discretionary federal action that may affect a listed species must undergo Section 7 consultation. The NRCS is responsible for determining if the proposed project is likely to affect listed species and obtaining the concurrence of NMFS with their determination. However, it is unlikely that listed whales or sea turtles would be present in the areas affected by the restoration project.

Your information request has been forwarded to Chris Boelke of NMFS' Habitat Conservation Division (HCD). HCD staff oversee programs related to the Fish and Wildlife Coordination Act and designated Essential Fish Habitat. You may receive information on the presence of other NOAA trust resources from HCD staff. Mr. Boelke can be reached at (978)281-9131. Should you have any questions regarding these comments, please contact Julie Crocker of my staff at (978)281-9300 x6530.

Sincerely,



Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

Cc: Boelke, F/NER4

File Code: Sec 7 USDA/NRCS Cape Cod watershed plan



Natural Resources Conservation Service
451 West Street
Amherst MA 01002

www.ma.nrcs.usda.gov
phone: 413-253-4351
fax: 413-253-4375

July 6, 2006

Ms. Mary Colligan
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Northeast Region
One Blackburn Drive
Gloucester, MA 01930-2298

Dear Ms. Colligan:

In a letter dated April 5, 2006, Massachusetts Natural Resources Conservation Service (NRCS) requested information on the presence of any listed threatened and endangered species or any designated critical habitat that may be present within the project areas proposed as part of the Cape Cod Water Resources Restoration Project (Section 7 Review).

NRCS is preparing the Watershed Plan and Areawide Environmental Impact Statement (EIS) for the Cape Cod Water Resources Restoration Project (CCWRRP). The purposes of the project are to restore degraded salt marshes, restore anadromous fish passages, and improve water quality for shellfishing areas. The CCWRRP includes individual projects for the following:

- Altering stream crossings to improve tidal flushing at locations where a road has reduced the size of the tidal channel and affected upstream salt marsh hydrology;
- Repairing and upgrading fish passages to restore anadromous fish (e.g. herring) habitat; and
- Treating stormwater runoff from urban areas to improve water quality and shellfish harvesting.

The CCWRRP includes 26 priority salt marsh restoration projects, 24 priority fish passage obstruction remediation projects, and 26 priority stormwater remediation projects. The CCWRRP is in the planning stage. If Congress approves funding for CCWRRP, NRCS will review each priority project in more detail to determine the best practice for that site and to verify that the habitat objectives will be achieved. Alternative sites may also be selected for implementation if they meet all of the criteria described in the EIS.

In your letter dated 20 April 2006, several federally listed species of whales and sea turtles were reported to occur seasonally in the waters off the coast of Massachusetts. Whale species listed in the letter included the federally endangered Northern right whale (*Eubalaena glacialis*), humpback whale (*Megaptera novaeangliae*), fin whale (*Balaenoptera physalus*), sei whale (*Balaenoptera borealis*), and sperm whale (*Physeter macrocephalus*).

Humpback whales are found seasonally off the coast of Massachusetts, and fin, sei, and sperm whales are found seasonally in deeper offshore waters; CCWRRP projects would not affect the habitat for these four species. The majority of Northern right whale individuals in the North Atlantic population range from wintering and calving areas in coastal waters off the southeastern United States to summer feeding and nursery grounds in New England waters. Cape Cod Bay and the Great South Channel were designated by NMFS as critical habitat for northern right whales. No CCWRRP projects would affect the Great South Channel, but some salt marsh restoration projects would be located on the coastline of Cape Cod Bay.

Turtle species listed in the letter included the federally threatened loggerhead turtle (*Caretta caretta*) and endangered Kemp's ridley turtle (*Lepidochelys kemp*i), leatherback turtle (*Dermochelys coriacea*), and green turtle (*Chelonia mydas*). Although the green turtle is rare in New England waters, the loggerhead, Kemp's ridley, and leatherback turtles are present in Massachusetts coastal waters in summer and fall months when ocean temperatures are warmer.

The salt marsh restoration projects would improve tidal flushing in salt marshes where man-made obstructions (i.e., road culverts, bridges) have restricted tidal flow. The change in tidal regime has resulted in vegetation changes over time, and what were once thriving salt marshes have become brackish or freshwater wetlands dominated by invasive species. These projects would involve replacing the existing tidal restriction with a larger culvert or bridge to increase tidal flushing and help restore native plant and animal communities in salt marshes, and improve biotic integrity. Construction of the proposed salt marsh projects would temporarily disrupt aquatic life in the vicinity of the road crossings due to turbidity and physical activity in the water. The listed whale species are known to occur seasonally in the waters off of Massachusetts, but would not be impacted by the salt marsh restoration projects. These species are mostly found in deeper waters and would not be present in the salt marsh areas. The federally and state listed sea turtles mainly nest in warmer and tropical climates. The species listed within the letter have been observed around Cape Cod, but mostly in deeper waters. The leatherback and loggerhead sea turtles may enter shallow estuarine bays and possibly enter river mouths following prey, but those instances are a rare occurrence.

The fish passage remediation projects include streams that are dammed, diverted, or otherwise altered, and have had fish ladders or other fish passage structures built for anadromous fish. Over time, these fish passage structures have naturally deteriorated and need to be repaired or replaced to function properly. The fish passage remediation projects would restore fish ladders and other fish passages that have deteriorated. These restorations would allow greater numbers of anadromous fish to gain access to spawning areas, and support greater populations of other species that depend on them for food. The fish passage projects would be completed on nontidal streams and would not affect any of the listed whale or sea turtle species, because those species are not present in the nontidal streams.

Stormwater on Cape Cod carries many toxic pollutants that harm the aquatic environment, and fecal coliform bacteria are the main constituent that affects shellfish bed closures. The stormwater remediation projects would capture and treat contaminated stormwater runoff through effective best management practices (BMPs). Effective treatment of stormwater from urban areas would improve water quality (i.e. reduce fecal coliform and other pollutants of concern) and help keep shellfish beds open for commercial and public use. Construction

activities to install stormwater BMPs would not directly affect receiving water biota because the projects occur on land off the shoreline, and runoff of sediment from the disturbed areas is minimized by erosion and sediment controls. These projects would not affect the listed whale or turtle species.

The fish passage remediation project sites and the stormwater treatment project sites are not located within the designated critical habitat for the northern right whale. A few salt marsh restoration projects are located on the south and east shoreline of Cape Cod Bay. The salt marsh restoration projects are not likely to jeopardize the continued existence of the listed northern right whale or destroy or adversely modify its designated habitat. The listed whale species are known to occur seasonally in Cape Cod Bay, but will not be impacted by the salt marsh restoration projects. There are no projects associated with the CCWRRP that are located within the Great South Channel.

Based on our research of the species listed above, the NRCS has determined that the CCWRRP would have no effect on federally listed whale or turtle species in the Massachusetts coastal and oceanic waters. NRCS requests concurrence in this determination from NMFS.

Should you have any questions regarding this letter, please contact Rick DeVergilio, State Resource Conservationist at 413-253-4379.

Sincerely,

A handwritten signature in black ink, appearing to read "Cecil B. Currin". The signature is fluid and cursive, with the first name "Cecil" being more prominent.

CECIL B. CURRIN
State Conservationist

cc: R. DeVergilio, State Resource Conservationist, NRCS, Amherst

Cecil
Copy: Cecil



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-1249

AUG 07 2006

JUL 27 2006
JUL 21 2006

Cecil B. Currin
US Department of Agriculture
Natural Resources Conservation Service
451 West Street
Amherst, Massachusetts 01002

Dear Mr. Currin,

This is in response to your letter dated July 6, 2006 regarding the Massachusetts Natural Resources Conservation Service's (NRCS) Cape Cod Water Resources Restoration Project (CCWRRP). NRCS has made the preliminary determination that this project will not affect any species listed under the jurisdiction of NOAA's National Marine Fisheries Service (NMFS) and has requested NMFS concurrence with this determination.

In a letter dated April 20, 2006, NMFS provided information to NRCS on the listed species that are known to seasonally occur in Cape Cod Bay. The CCWRRP includes 26 priority salt marsh restoration projects, 24 priority fish passage obstruction remediation projects, and 26 priority stormwater remediation projects. None of these projects will occur in Cape Cod Bay where listed whales and sea turtles are likely to occur. As such, NMFS concurs with NRCS' determination that the CCWRRP will have no effect on any listed species under NMFS jurisdiction. As such, no consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, is necessary. Should you have any questions regarding these comments, please contact Julie Crocker at (978)281-9300 x6530 or by email (julie.crocker@noaa.gov).

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

Cc: Boelke, F/NER4

File Code: Sec 7 USDA NRCS Mass. no effect





Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

May 19, 2006

Natural Resources Conservation Service
Attn: Cecil Currin
451 West Street
Amherst, MA 01002

MAY 25 2006

Re: Cape Cod Watershed Plan
Bourne, Mashpee, Barnstable, Wellfleet, Harwich & Eastham
NHESP Tracking Number: 06-19857

Dear Mr. Currin,

Thank you for contacting the Natural Heritage and Endangered Species Program ("NHESP") of the MA Division of Fisheries & Wildlife for information regarding state-protected rare species in the vicinity of the above referenced site. We have reviewed the site and would like to offer the following comments.

The project sites submitted all fall within NHESP *Priority Habitat* (PH) and *Estimated Habitat* (WH) regulatory polygons. Attached are the specific project site locations, along with a list of the rare species that have been documented to occur within the vicinity of the project sites.

These species are protected under the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.37 and 10.59). Fact sheets for this species can be found on our website <http://www.state.ma.us/dfwele/dfw/nhesp/nhfact.htm>.

This evaluation is based on the most recent information available in the NHESP database, which is constantly being expanded and updated through ongoing research and inventory. Should your site plans change, or new rare species information become available, this evaluation may be reconsidered.

If you have any questions regarding this review please call Jenna Garvey, Environmental Review Assistant, at (508) 792-7270 ext. 303.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7275

An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

Priority Habitat 1435 (PH 1435) & Estimated Habitat 404 (WH 404)

Bourne - Sites: BO-MR-2 and BO-MR-3

State-listed rare species in the vicinity of project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Clemmys guttata</i>	Spotted Turtle	Reptile	SC
<i>Helianthemum dumosum</i>	Bushy Rockrose	Plant	SC
<i>Leptodea ochracea</i>	Tidewater Mucket	Mussel	SC
<i>Ligumia nasuta</i>	Eastern Pondmussel	Mussel	SC
<i>Notropis bifrenatus</i>	Bridle Shiner	Fish	SC
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1648 (PH 1648) & Estimated Habitat 7071 (WH 7071)

Mashpee - Site: MA-QR-7

State-listed rare species in the vicinity of project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Anax longipes</i>	Comet Darner	Dragonfly	SC
<i>Clemmys guttata</i>	Spotted Turtle	Reptile	SC
<i>Enallagma laterale</i>	New England Bluet	Damselfly	SC
<i>Leptodea ochracea</i>	Tidewater Mucket	Mussel	SC
<i>Polygonum puritanorum</i>	Pondshore Knotweed	Plant	SC
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1589 (PH 1589) & Estimated Habitat 445 (WH 445)

Barnstable – Site: BA-MMR-5

State-listed rare species in the vicinity of project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Alasmidonta undulata</i>	Triangle Floater	Dragonfly	SC
<i>Enallagma laterale</i>	New England Bluet	Damselfly	SC
<i>Leptodea ochracea</i>	Tidewater Mucket	Mussel	SC
<i>Ligumia nasuta</i>	Eastern Pondmussel	Mussel	SC
<i>Notropis bifrenatus</i>	Bridle Shiner	Fish	SC
<i>Polygonum puritanorum</i>	Pondshore Knotweed	Plant	SC
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1150 (PH 1150) & Estimated Habitat 352 (WH 352)

Wellfleet – Site: WE-HR-1

State-listed rare species in the vicinity of project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Dichanthelium ovale</i> ssp. <i>pseudopubescens</i>	Commons's Panic-grass	Plant	SC
<i>Malaclemys terrapin</i>	Diamondback Terrapin	Reptile	T
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1150 (PH 1150) & Estimated Habitat 363 (WH 363)

Wellfleet – Site: WE-4

State-listed rare species in the vicinity of project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Charadrius melodus</i>	Piping Plover	Bird	T
<i>Corema conradii</i>	Broom Crowberry	Plant	SC
	Diamondback		
<i>Malaclemys terrapin</i>	Terrapin	Reptile	T
<i>Scaphiopus</i> <i>holbrookii</i>	Eastern Spadefoot	Amphibian	T
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1550 (PH 1550) & Estimated Habitat 5063 (WH 5063)

Bourne – Site: BN-28 & BN-33

State-listed rare species in the vicinity of the project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Liatris scariosa</i> var. <i>novae-angliae</i>	New England Blazing Star	Plant	SC
	Diamondback		
<i>Malaclemys terrapin</i>	Terrapin	Reptile	T
<i>Sterna dougallii</i>	Roseate Tern	Bird	E
<i>Sterna hirundo</i>	Common Tern	Bird	SC
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1435 (PH 1435) & Estimated Habitat 3079 (WH 3079)

Bourne – Site: BN-39

State-listed rare species in the vicinity of the project site:

Scientific Name	Common Name	Species Type	DFW_RANK
	Diamondback		
<i>Malaclemys terrapin</i>	Terrapin	Reptile	T
<i>Sterna dougallii</i>	Roseate Tern	Bird	E
<i>Sterna hirundo</i>	Common Tern	Bird	SC
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC

Priority Habitat 1650 (PH 1650) & Estimated Habitat 466 (WH 466)

Barnstable – Site: BA-18

State-listed rare species in the vicinity of the project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Charadrius melodus</i>	Piping Plover	Bird	T
<i>Sterna dougallii</i>	Roseate Tern	Bird	E
<i>Sterna hirundo</i>	Common Tern	Bird	SC
<i>Sterna antillarum</i>	Least Tern	Bird	SC

Priority Habitat 1592 (PH 1592) & Estimated Habitat 447 (WH 447)

Harwich – Site: HA-4

State-listed rare species in the vicinity of the project site:

Scientific Name	Common Name	Species Type	DFW_RANK
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	SC
<i>Ixobrychus exilis</i>	Least Bittern	Bird	E

Priority Habitat 1422 (PH 1422) & Estimated Habitat 391 (WH 391)

Eastham – Site: EA-1

State-listed rare species in the vicinity of the project site:

Scientific Name	Common Name	Species Type	DFW_RANK
Terrapene carolina	Eastern Box Turtle	Reptile	SC
	Diamondback		
Malaclemys terrapin	terrapin	Reptile	T
Helianthemum dumosum	Bushy Rockrose	Plant	SC



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

451 West Street
Amherst,
Massachusetts
01002-2995

413-253-4351

March 22, 2006

Brona Simon, State Archaeologist
Deputy State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125

RE: Cape Cod Water Resources Restoration Project

Dear Ms. Simon:

The purpose of this letter is to bring the Cape Cod Water Resources Restoration Project to your attention. Our approach for compliance with Section 106 is described below. We would appreciate your concurrence with our approach or suggestions as to how to improve the process.

The project, located in Barnstable County will consist of three components with the expressed purposes of 1) Restoring salt marshes and their aquatic ecosystems through enlarging or replacing culverts where they are causing tidal restrictions 2) Replacing failed fish passage structures in anadromous fish runs and, 3) Restoring and protecting shellfish beds by treating stormwater runoff through the construction of wetlands, dry wells, and other infiltration structures. The website below and the enclosed brochure explain the project in greater detail.

http://www.capecodcd.org/Cape_Cod_Water_Resources.pdf

NRCS wants to provide you with advance notice of this effort with the anticipation that funding will follow to implement the work. A Draft EIS is being prepared for NRCS by EA Engineering Science and Technology Incorporated. We expect the DEIS will be sent out for comment in July. The DEIS will address Section 106 in a general fashion since the sequence of installation and exact locations of the projects have not been determined at this time.

This is an exciting and innovative endeavor for NRCS and our partners. Over the last several years, data gathering and prioritization has been done to locate and prioritize areas where ecosystems have been compromised.

Salt marsh restoration projects consist of removing existing culverts beneath highways which restrict tidal flow to the marsh. These projects will nearly all involve the excavation of existing roadways and installation of larger culverts in previously disturbed

soils. NRCS will review all these projects for their potential to affect cultural resources, though we expect most, if not all, to have no effect.

Stormwater infiltration projects will generally consist of excavation of existing road surfaces to install leaching catch basins to infiltrate stormwater runoff. The majority of these projects will involve excavating previously disturbed soils beneath highways.

Where infiltration basins will be installed off the paved roads, NRCS will perform archaeological reconnaissance. If a location is determined to be undisturbed, a phase 1 archaeological investigation will be performed. NRCS anticipates that less than 10% of the stormwater projects will be located off existing highways.

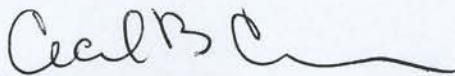
Fish passage projects will generally consist of the removal and replacement of existing fish ladders that have fallen into disrepair. These projects are located in and along streams that hold anadromous fish runs, therefore located in archaeologically sensitive areas.

Although fish ladders will usually consist of removal and replacement of the facilities in their original disturbed footprint, there exists the possibility for new disturbance associated with construction in the surrounding area. For this reason, NRCS will have an archaeologist perform file research and reconnaissance surveys. Where disturbance is expected outside the previously disturbed footprint, an archaeologist will perform phase 1 surveys on all fish passage projects.

When project funds are received for detailed planning, NRCS will consult with your office as required under NHPA. Additional NEPA documentation, including Section 106 consultation, will be done for each individual site as it considered for funding. NRCS looks forward to working with you on this project in the years to come.

If you have any questions or comments, please call Rudy Chlanda, Cultural Resources Coordinator and Geologist at 413-253-4364 Thank you.

Sincerely,



CECIL B. CURRIN
State Conservationist

Cc: Carl Gustafson, SCE, USDA-NRCS, Amherst, MA
Rudy Chlanda, Geologist, USDA-NRCS, Amherst, MA
David Skinas, Archeologist, USDA-NRCS, Vermont
Donald Liptack, DC, USDA-NRCS, Barnstable, MA

Enc.



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

451 West Street
Amherst,
Massachusetts
01002-2995

413-253-4351

March 22, 2006

Ms. Cheryl Andrews-Maltais
Tribal Historic Preservation Officer
Wampanoag Tribe of Gay Head Aquinnah
20 Black Brook Road
Aquinnah, MA 02535

RE: Cape Cod Water Resources Restoration Project

Dear Ms Maltais:

The purpose of this letter is to bring the Cape Cod Water Resources Restoration Project to your attention. Our approach for compliance with Section 106 is described below. We would appreciate your concurrence with our approach or suggestions as to how to improve the process.

The project, located in Barnstable County will consist of three components with the expressed purposes of 1) Restoring salt marshes and their aquatic ecosystems through enlarging or replacing culverts where they are causing tidal restrictions 2) Replacing failed fish passage structures in anadromous fish runs and, 3) Restoring and protecting shellfish beds by treating stormwater runoff through the construction of wetlands, dry wells, and other infiltration structures. The website below and the enclosed brochure explain the project in greater detail.

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NRCS wants to provide you with advance notice of this effort with the anticipation that funding will follow to implement the work. A Draft EIS is being prepared for NRCS by EA Engineering Science and Technology Incorporated. We expect the DEIS will be sent out for comment in July. The DEIS will address Section 106 in a general fashion since the sequence of installation and exact locations of the projects have not been determined at this time.

This is an exciting and innovative endeavor for NRCS and our partners. Over the last several years, data gathering and prioritization has been done to locate and prioritize areas where ecosystems have been compromised.

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soils. NRCS will review all these projects for their potential to affect cultural resources, though we expect most, if not all, to have no effect.

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Although fish ladders will usually consist of removal and replacement of the facilities in their original disturbed footprint, there exists the possibility for new disturbance associated with construction in the surrounding area. For this reason, NRCS will have an archaeologist perform file research and reconnaissance surveys. Where disturbance is expected outside the previously disturbed footprint, an archaeologist will perform phase 1 surveys on all fish passage projects.

When project funds are received for detailed planning, NRCS will consult with your office as required under NHPA. Additional NEPA documentation, including Section 106 consultation, will be done for each individual site as it considered for funding. NRCS looks forward to working with you on this project in the years to come.

If you have any questions or comments, please call Rudy Chlanda, Cultural Resources Coordinator and Geologist at 413-253-4364 Thank you.

Sincerely,



CECIL B. CURRIN
State Conservationist

Cc: Carl Gustafson, SCE, USDA-NRCS, Amherst, MA
Rudy Chlanda, Geologist, USDA-NRCS, Amherst, MA
David Skinas, Archeologist, USDA-NRCS, Vermont
Donald Liptack, DC, USDA-NRCS, Barnstable

Enc.



CAPE COD COMMISSION

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E-mail: frontdesk@capecodcommission.org

Cecil Currin, State Conservationist
USDA Natural Resources Conservation Service
451 West Street
Amherst, MA 01002-2995

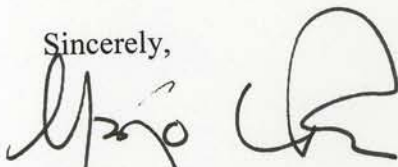
Dear Mr. Currin,

Please accept this letter as an expression of support for the Cape Cod District's draft Watershed Plan and Areawide Environmental Impact Statement for the Cape Cod Water Resources Restoration Project (or, the plan). The plan compiled by staff at the District Office is distinct in its comprehensive assessment of impacted resources, and for its strategic approach to the remediation and restoration of these sites.

The Cape Cod Commission has not reviewed specific project plans pertaining to work that may be conducted during the course of individual restoration projects. The extent to which a particular project is consistent with Regional Policy Plan Minimum Performance Standards may require future Cape Cod Commission review. However, the principle of restoring degraded natural resources and improving the function and resiliency of the Cape's environment comports with the goals of the Cape Cod Commission's Regional Policy Plan for Barnstable County.

Barnstable County has been among the most rapidly growing counties in the nation for several decades, and the influx of seasonal visitors creates additional pressures on natural resources. Natural attributes that are already degraded by development or that have deteriorated through neglect or deferred maintenance, continue to worsen and exacerbate the loss of environmental services. The Cape Cod District's plan, if funded, represents a practical approach to the restoration of many of the Cape's environmental attributes. We encourage your support of the plan and of efforts to secure funding to accomplish the work described therein.

Sincerely,



Margo Fenn,
Executive Director





United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508.349.3785
508.349.9052 Fax

JUN 12 2006

IN REPLY REFER TO:
N2221

June 8, 2006

Cecil B. Currin
State Conservationist
NRCS
451 West Street
Amherst, MA 01002

Subject: Support for NRCS Cape Cod Water Resources Restoration Project

Dear Mr. Currin: *ABC*

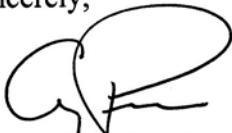
We are pleased to offer our strong support for the NRCS Cape Cod Water Resources Restoration Project to restore salt marshes, migratory fish runs and shellfish water quality on the Cape over the next decade, enhancing tidal hydrology to over 1,500 acres at a projected cost of \$13.5 million. Indeed, the largest salt-marsh restoration project on the NRCS list, Wellfleet's Herring River comprising 1100 of the 1500-acre Cape-wide total, is largely within Cape Cod National Seashore and the subject of a presently intense multi-agency planning effort. We of course welcome NRCS participation, in terms of both technical expertise and funding, in this large and complicated project.

Under a recently executed Memorandum of Understanding between the Town of Wellfleet and the Seashore, a Technical Committee has been formed and is working diligently to develop a comprehensive restoration plan for Herring River. Stephen Speer of the Cape NRCS office is a regular member of that committee. It would be appropriate and very helpful for Steve to describe the new NRCS Restoration Project, and how it relates to Herring River, at the Technical Committee's next meeting on 22 June.

We understand that NRCS will soon be releasing a formal draft EIS proposing to complete 28 salt marsh restoration projects on Cape Cod over the next decade, and look forward to that review. Clearly, this project will have a very significant effect on coastal restoration activities Cape-wide over the next 10 years. We look forward to active collaboration with NRCS on Herring River and other outer Cape Cod coastal restoration projects.

Please contact Ecologist John Portnoy (508-487-3262 ext. 107; email: john_portnoy@nps.gov) of my staff for technical information and updates on tidal restoration projects here.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Price, Jr.", written in a cursive style.

George E. Price, Jr.
Superintendent

cc: Tim Smith, MCZM
Donald Liptak, NRCS
Gordon Peabody, Herring River Technical Team Chair



**Barnstable County's
Cape Cod Cooperative Extension
Marine Program**

Deeds and Probate Building
Railroad Avenue, P.O. Box 367
Barnstable, MA 02630-0367

(508) 375-6701 - (508) 362-4518 fax

JUN 23 2006

June 20, 2006

Mr. Cecil Curran
State Conservationist
USDA Natural Resources Conservation Service
451 West Main St.
Amherst, MA. 01002

Dear Mr. Curran:

I'm writing to convey my full and wholehearted support for the proposed Cape Cod Water Resources Restoration Project-Watershed Plan, which will be presented to you shortly for final review. Don Liptak and other staff members at the Hyannis NRCS office have spent hundreds of hours working on this effort, consulting with local towns, State and County agencies, environmental groups and the public. The draft plan underwent recent review and was well received, indicating the level of depth and ongoing involvement and commitment of so many individuals.

The Cape's marine environment has suffered ongoing decline over the years, largely due to residential and commercial development with its associated roadways and pavement. Runoff, blocked fish ways, and tidal restrictions, have both impacted important natural resources such as shellfish and diadromous fish and have degraded thousands of acres of vital salt marsh habitat. Good examples of these impacts are the River Herring (alewives and bluebacks). These fish are in such a state of decline that the Massachusetts Division of Marine Fisheries recently placed a three year moratorium on the harvest or possession of these species. Deterioration of fish passages and ladders is one of several reasons for this decline, and this plan incorporates a good deal of restoration work on these fish passages. It is also envisioned to correct drainage and runoff problems which impact and sometimes force the closure of shellfish growing areas; and the correction of tidal restrictions, such as undersized culverts, is also a goal of the plan. This effort alone will restore approximately 1500 acres of lost salt marsh habitat.

The plan is ambitious, but this overall watershed approach has been well thought out, well developed and as noted above completed with a broad audience of participation. It is my hope that the plan will meet final approval, and that the much needed funding for this work will soon be available to make this vision of restoration a reality.

Sincerely,

William Burt, Marine Resources Specialist

cc: Don Liptak, District Conservationist



MASSACHUSETTS BAYS PROGRAM

251 Causeway St., Suite 900, Boston, MA 02114-2151
(617) 626-1200 / Fax (617) 626-1240
website: www.massbays.org

30 June 2006

Cecil Currin, State Conservationist
USDA Natural Resources Conservation Service
451 West Street
Amherst, MA 01002-2995

Dear Mr. Currin,

I am pleased to submit this letter of support for the Cape Cod District's draft Watershed Plan and Areawide Environmental Impact Statement for the Cape Cod Water Resources Restoration Project (or, the plan) on behalf of the Cape Cod region of the Massachusetts Bays Program. The plan compiled by staff at the District Office is distinct in its comprehensive assessment of impacted resources, and for its strategic approach to the remediation and restoration of these sites.

The Environmental Protection Agency's (EPA) National Estuary Program (NEP) was established by Congress in 1987 to improve the quality of estuaries of national importance. Initially launched in 1988 and officially accepted as an estuary of national significance in 1990 the Massachusetts Bays Program is one of 28 NEPs in the country. While the program generally emphasizes work within the Bays, our comprehensive approach to environmental problems and our regional structure lend themselves to the support and encouragement sound practices in adjacent areas.

The towns within the Cape Cod Region of the Massachusetts Bays National Estuary Program are among the most rapidly growing communities in the nation for several decades, and the continued crush of coastal development and tourism exacerbates pressures on fragile natural resources. Attributes that are already degraded by development or that have deteriorated through neglect or deferred maintenance; continue to worsen resulting in reduced water quality, loss of habitat and other impacts to public trust resources. The Cape Cod District's plan proposes a body of work that is consistent with the goals, priorities and recommended actions codified in the Comprehensive Conservation and Management Plan developed for bays. It represents a practical approach to the restoration of many of the Cape's most important environmental characteristics, and I encourage your support of the.

Sincerely,

Steven Tucker,
Cape Cod Regional Staff

Program for Women, Infants and Children, and the Commodity Supplemental Food Program. The agenda items will include a discussion of general program issues. Meetings of the Council are open to the public. Members of the public may participate, as time permits. Members of the public may file written statements with the contact person named above, before or after the meeting.

Dated: June 15, 2005.

Roberto Salazar,
Administrator.

[FR Doc. 05-12479 Filed 6-23-05; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Cape Cod Water Resources Restoration Project, Barnstable County, Massachusetts

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Natural Resources Conservation Service Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, give notice that an environmental impact statement is being prepared for the Cape Cod Watershed, Barnstable County, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Cecil B. Currin, State Conservationist, Natural Resources Conservation Service, 451 West Street, Amherst, MA 01002, 413-253-4351.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Cecil B. Currin, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

Area: Barnstable County, excluding Federal lands.

Sponsors: Barnstable County Commissioners and the Cape Cod Conservation District.

Partners: Massachusetts Division of Marine Fisheries, Massachusetts Coastal

Zone Management, all towns on Cape Cod.

Project purposes are watershed protection and fish and wildlife development. Sponsors objectives are to (1) improve water quality for shellfish beds, (2) restore degraded salt marshes and (3) restore anadromous fish passages. Alternatives under consideration to reach these objectives include but are not limited to:

Objective 1: Constructed wetlands, infiltration basins or trenches, dry wells, and sand filters.

Objective 2: Enlarging existing culverts to restore marsh hydrology to pre-restriction conditions; marsh and pit development to provide fish pools in marshes.

Objective 3: Water level control structures, fish ladders, and obstruction removals.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Natural Resources Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Further information on the proposed action may be obtained for Cecil B. Currin, State Conservationist, at the above address and telephone.

Signed in Amherst, Massachusetts on June 15, 2005.

Cecil B. Currin,

State Conservationist.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

[FR Doc. 05-12591 Filed 6-23-05; 8:45 am]

BILLING CODE 3410-16-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: July 24, 2005.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Sheryl D. Kennerly, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail SKennerly@jwod.gov.

SUPPLEMENTARY INFORMATION: On April 15, and April 29, 2005, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (70 FR 19924, and 22297/22298) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and services are added to the Procurement List:

Products

Adhesive Roller Mop

NSN: M.R. 1095—Refill

NSN: M.R. 1085—Mop

NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina.

Contracting Activity: Defense Commissary Agency (DeCA), Fort Lee, Virginia.

Services

Service Type/Location: Cleaning Service—

Dated: June 21, 2006.

Dale N. Bosworth,

Chief.

[FR Doc. E6-12310 Filed 7-31-06; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Environmental Statements, Availability

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Natural Resources Conservation Service (NRCS) has prepared a Draft Areawide Environmental Impact Statement consistent with the National Environmental Policy Act of 1969, as amended, to disclose potential effects to the human environment.

The Watershed Plan and Areawide Environmental Impact Statement (EIS) for the Cape Cod Water Resources Restoration Project are combined into a single document. The purposes of the Project are to restore degraded salt marshes, restore anadromous fish passages, and improve water quality for shellfishing areas. Specifically, sponsors wish to:

1. Improve tidal flushing in salt marshes where man-made obstructions (i.e., road culverts) have restricted tidal flow. This will help restore native plant and animal communities in salt marshes, and improve biotic integrity.

2. Restore fish ladders and other fish passages that have deteriorated. This will allow greater numbers of anadromous fish (which spend most of their adult lives in salt water and migrate to freshwater streams, rivers, and lakes to reproduce; for example, alewife, blueback herring) to gain access to spawning areas, and support greater populations of other species (for example, striped bass, bluefish, weakfish, largemouth bass, chain pickerel) that depend on them for food.

3. Maintain and improve water quality affecting shellfish beds by treating stormwater runoff. This will help ensure that shellfish beds which are threatened with closure remain open, and maintain or extend the current shellfishing season for beds whose use is restricted during certain times of year.

This Project is needed because human activity on Cape Cod has degraded its natural resources, including salt marshes, anadromous fish runs, and water quality over shellfish beds. The

development of Cape Cod has required the construction of extensive road and railroad networks. Along the coast, culverts or bridges were needed for these networks to cross tidal marshes, and many of the openings through these structures are not large enough to allow adequate tidal flushing. When the culverts or bridges constrict flow, the tidal regime changes, which results in vegetation changes over time; what was once a thriving salt marsh can become a brackish or fresh water wetland dominated by invasive species. Together with funding from the Massachusetts Office of Coastal Zone Management (CZM), the Cape Cod Commission and the Buzzards Bay Project National Estuary Program identified over 182 sites where salt marshes have been altered by human activity.

Human activity on Cape Cod has also resulted in damming or diverting streams, causing anadromous fish to lose access to spawning grounds. In addition, water flow may have been altered by cranberry growers and other farmers. Fish ladders and other fish passage facilities have been built to help ensure that fish get access to spawning areas, but these structures deteriorate over time (end of design life), or they may be of obsolete design and need replacement to function properly. The Massachusetts Division of Marine Fisheries (DMF) identified 93 fish passage obstructions on Cape Cod.

Cape Cod's economy depends on good water quality. Shellfishing, a multi-million dollar industry on the Cape, is only allowed in areas with excellent water quality. As land is developed, and more areas are paved, stormwater runoff may become contaminated with nutrients, metals, fertilizers, bacteria, etc. This runoff may carry enough fecal coliform bacteria to affect water quality in shellfishing areas, thus leading to closure of shellfishing areas, or restrictions on the periods when the beds can remain open. DMF and town officials identified over 160 stormwater discharge points into shellfishing areas. By controlling sources of runoff, separating clean water from contamination sources, and capturing and treating the most heavily contaminated runoff through a variety of measures (e.g., infiltration, constructed wetlands).

Two alternatives were considered: Proposed Action/Recommended Plan and the No action alternative.

No Action would continue the declining trend of water quality of shellfish waters, impaired anadromous fish runs and degraded salt marshes.

The recommended plan is the Proposed Action (Cape Cod Water

Resources Restoration Project) because it maximizes ecological benefits and is the National Ecosystem Restoration (NER) Plan. The Recommended Plan achieves the desired level of improvement for the least cost. For each project type (shellfish, fish passage, and salt marsh), the Restoration Project would provide a greater number of habitat units and greater other environmental benefits than the No Action Alternative. NRCS has developed a list of 76 projects that will meet the sponsors' objectives. All of these projects have received a planning-level analysis to ensure that they appear feasible and capable of providing the habitat benefits sought through this areawide Project. When the Project is authorized and funded, the sponsors will propose specific projects to NRCS. NRCS will review each project in more detail to determine the most cost-effective practice for that site and to verify that the habitat objectives will be achieved.

The recommended plan would help to maintain or improve water quality in up to 26 shellfish areas affecting 7,300 acres of shellfish beds. Current laws and regulations require stormwater management for all new developments, which prevents or minimizes new development from causing the same water quality impairments that occurred in the past. The Project is expected to improve tidal flushing at 26 sites enhancing 1,500 acres of salt marsh. Current design guidelines prevent or minimize road or railroad construction from causing the same hydrological restrictions that occurred in the past. And through this Project it is expected that 24 fish passages on Cape Cod would be restored to full function improving access to 4,200 acres of spawning habitat.

Written comments regarding this Draft Areawide EIS should be mailed to: Cecil B. Currin, Cape Cod Water Resources Restoration Project EIS, USDA-NRCS, 451 West Street, Amherst, MA 01002. Comments may also be submitted by sending a facsimile to (413) 253-4395 or by e-mail to cecil.currin@ma.usda.gov. Please include CCWRRP in the subject line.

Project information is also available on the Internet at <http://www.ma.nrcs.usda.gov/programs/CCWRRP>.

DATES: Comments must be received no later than 45 days after this notice is published.

FOR FURTHER INFORMATION CONTACT: Cecil B. Currin, State Conservationist, USDA Natural Resources Conservation Service, 451 West Street, Amherst, MA

01002, (413) 253-4350. Project information is also available on the Internet at: <http://www.ma.nrcs.usda.gov/programs/CCWRRP>.

SUPPLEMENTARY INFORMATION: Copies of the Draft EIS are available by request at the address above. Basic data maybe viewed by contacting Carl Gustafson, State Conservation Engineer, USDA Natural Resources Conservation Service, 451 West Street, Amherst, MA 01002, (413) 253-4362, carl.gustafson@ma.usda.gov.

Signed in Amherst, Massachusetts, on July 19, 2006.

Bruce Thompson,

Acting State Conservationist.

[FR Doc. E6-12354 Filed 7-31-06; 8:45 am]

BILLING CODE 3410-16-P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Construction in the Matanuska River of Spur Dike #5, at Circleview Estates, Palmer, AK

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Natural Resources Conservation Service (formerly the Soil Conservation Service) Guidelines (7 CFR part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, Robert Jones, State Conservationist, finds that neither the proposed action nor any of the alternatives is a major federal action significantly affecting the quality of the human environment, and determine that an environmental impact statement is not needed for the Construction in the Matanuska River of Spur Dike #5, at Circleview Estates, Palmer, AK.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Jones, State Conservationist, Natural Resources Conservation Service, Alaska State Office, 800 West Evergreen Avenue, Suite 100, Palmer, AK 99645-6539; Phone: 907-761-7760; Fax: 907-761-7790.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these

findings, the preparation and review of an environmental impact statement are not needed for this project.

The Matanuska River is a glacially fed river system with highly braided channels. Severe bank erosion in the Circle View Estates area has been addressed previously through the installation of rock and earthen spur dikes. Erosion has continued downstream of the dikes, threatening adjacent bank and personal property (homes, buildings, appurtenances) and public infrastructure. The purpose of the project is to protect river bank, private homes and public infrastructure from loss to the erosive forces of the river at this subdivision site.

The preferred alternative is to install a barb-head spur dike, having river-directing flow features, which is believed to be potentially more fish-friendly than the previous adjacent dike designs. Completion of the project will reduce the risk of personal property loss, extend downstream protection of the existing four dikes, reduce emergency requests and response (as well as associated capital expenditures) by local government units, reduce potential harm or loss of human life, and protect public infrastructure in the area of influence of the dikes protection.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and other interested parties. A limited number of copies of the Environmental Assessment and the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert Jones.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Finding of No Significant Impact for the Construction of the Matanuska River, Spur Dike #5 at Circle View Estates, Palmer, AK

Introduction

The Construction of the Matanuska River, Spur Dike #5 at Circle View Estates, Palmer, AK is a Federally assisted action authorized through funding under the Watershed Protection and Flood Prevention Act (PL-83-566) 1954. An environmental assessment was undertaken in conjunction with the development of the implementation plan. This assessment was conducted in consultation with local, State, and Federal agencies as well as with interested organizations and individuals. Data developed during the

assessment are available for public review at the following location: U.S. Department of Agriculture, Natural Resources Conservation Service, Alaska State Office, 800 West Evergreen Avenue, Suite 100, Palmer, AK 99645-6539, Phone: 907-761-7760, Fax: 907-761-7790.

Recommended Action

The Matanuska River is a glacially fed river system with highly braided channels. Severe bank erosion in the Circle View Estates area has been addressed previously through the installation of rock and earthen spur dikes. Erosion has continued downstream of the dikes, threatening adjacent bank and personal property (homes, buildings, appurtenances) and public infrastructure. The purpose of the project is to protect river bank, private homes and public infrastructure from loss to the erosive forces of the river at this subdivision site.

The preferred alternative is to install a barb-head spur dike, having river-directing flow features, which is believed to be potentially more fish-friendly than the previous adjacent dike designs. Completion of the project will reduce the risk of personal property loss, extend downstream protection of the existing four dikes, reduce emergency requests and response (as well as associated capital expenditures) by local government units, reduce potential harm or loss of human life, and protect public infrastructure in the area of influence of the dikes protection.

Alternatives

Two alternatives were not carried forward for additional development. These are nonstructural and combined actions. The nonstructural approach cannot be achieved by the proposed project as this requires state and/or local public policy changes. As the nonstructural approach is not being brought forward, the combined actions alternative cannot be further evaluated either.

Two alternatives were brought forward for further development. These are the bank protection alternative and no action alternative.

The preferred alternative selected is the installation of the barb-headed version of an additional spur dike. The proposed spur dike with barb head is a composite structure, consisting of a spur dike shank with the head of the dike designed as an overtopping barb. This design incorporates the overtopping feature of the barbs that work well in small streams and is considered more fish-friendly than the round-headed spur dike that has been shown to

Swordfish, and Shark and the Atlantic Billfish Fishery Management Plan, Implementation, Atlantic Coast, Caribbean and Gulf of Mexico.

Summary: EPA does not object to the proposed action.

Dated: August 8, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6-13160 Filed 8-10-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6678-1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements

Filed 07/31/2006 Through 08/04/2006 Pursuant to 40 CFR 1506.9.

EIS No. 20060326, Final EIS, BOP, NH, Berlin, Coos County, Proposed Federal Correctional Institution, Construction and Operation, City of Berlin, Coos County, NH, Wait Period Ends: 09/11/2006, Contact: Pamela J. Chandler 202-514-6470.

EIS No. 20060327, Final Supplement, AFS, CA, Empire Vegetation Management Project, Additional Information to Clarify Previous Analysis, Vegetation, Fire/Fuels/Air Quality, Wildlife, Watershed, and Botanical Resource/Noxious Weeds, Mount Hough Ranger District, Plumas National Forest, Plumas County, CA, Wait Period Ends: 09/11/2006, Contact: Gary Rotta 530-283-0555.

EIS No. 20060328, Draft EIS, NRS, MA, Cape Cod Water Resources Restoration Project, Restore Degraded Salt Marshes, Restore Anadromous Fish Passages, and Improve Water Quality for Shellfishing Area, Cape Cod, Barnstable County, MA, Comment Period Ends: 09/25/2006, Contact: Carl Gustafson 413-253-4302.

EIS No. 20060329, Final EIS, NRS, MO, East Locust Creek Watershed Revised Plan, Installation of Multiple-Purpose Reservoir, Flood Prevention and Watershed Protection, Sullivan and Putnam Counties, MO, Wait Period Ends: 09/11/2006, Contact: Roger A. Hansen 573-876-0901.

EIS No. 20060330, Draft EIS, NOAA, CA, Channel Islands National Marine Sanctuary (CINES) Project,

Establishment of No-Take and Limited-Take Marine Zones, Protection of Sanctuary Biodiversity, CA, Comment Period Ends: 10/10/2006, Contact: Chris Mobley 805-966-7107.

EIS No. 20060331, Final EIS, FRC, WA, Rocky Reach Hydroelectric Project, (FERC/DEIS-0184D), Application for a New License for the Existing 865.76 Megawatt Facility, Public Utility District No. 1 (PUD), Columbia River, Chelan County, WA, Wait Period Ends: 09/11/2006, Contact: Todd Sedmak 1-866-208-FERC.

EIS No. 20060332, Final Supplement, NOA, 00, Amendment 26 to the Gulf of Mexico Reef Fish Fishery Management Plan, Proposed Individual Fishing Quota (IFQ) Program to Reduce Overcapacity in the Commercial Red Snapper Fishery, Wait Period Ends: 09/11/2006, Contact: Roy E. Crabtree 727-824-5308.

EIS No. 20060333, Draft EIS, USA, MD, U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), Construction and Operation of New USAMRIID Facilities and Decommissioning and Demolition and/or Re-use of Existing USAMRIID Facilities, Fort Detrick, MD, Comment Period Ends: 09/25/2006, Contact: Dave Hand 410-962-8154.

EIS No. 20060334, Final Supplement, UAF, 00, Realistic Bomber Training Initiative, Addresses Impacts of Wake Vortices on Surface Structures, Dyess Air Force Base, TX and Barksdale Air Force Base, LA, Wait Period Ends: 09/11/2006, Contact: Sheryl Parker 757-764-9334.

Amended Notices

EIS No. 20060318, Draft EIS, FHW, NC, Greenville Southwest Bypass Study, Transportation Improvements to NC 11 and U.S. 264 Business, U.S. Army COE Section 404 Permit, Pitt County, NC, Comment Period Ends: 09/18/2006, Contact: John F. Sullivan, III 919-856-4346. Revision of FR Notice Published in 08/04/2006: Correction to State from NY to NC.

Dated: August 8, 2006.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E6-13207 Filed 8-10-06; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-8208-6; Docket ID No. EPA-HQ-ORD-2004-0002]

Draft Toxicological Review of Dichlorobenzenes: In Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Extension of Public Comment Period and Rescheduled External Peer Review Panel Meeting.

SUMMARY: The EPA is extending the public comment period and rescheduling an external peer review panel meeting to review selected sections of the final draft document titled, "Toxicological Review of Dichlorobenzenes: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R-03/015), related to the inhalation reference concentration (RfC) and inhalation cancer assessment for 1,4-dichlorobenzene. The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development.

On July 11, 2006, EPA published a **Federal Register** notice (71 FR 39113) announcing a comment period that ended August 9 and an external peer review panel meeting that was scheduled for August 16. EPA is extending the public comment period to October 10, 2006, in response to requests. The external peer review panel meeting will be held on October 30, 2006.

As previously stated in 71 FR 39113, EPA is releasing this draft document solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This document has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. EPA will consider any public comments submitted in accordance with this notice when revising the document.

DATES: The period for submission of comments on the final draft document will end on October 10, 2006. Technical comments should be in writing and must be received by EPA by October 10, 2006. Comments submitted to the EPA by October 10, 2006, will be provided to the external peer review panel prior to the teleconference meeting. The peer review panel meeting will be conducted on October 30, 2006, by teleconference



CAPE COD TIMES

PROOF OF PUBLICATION

Date: 8/9/06

Press & Discover

PUBLIC NOTICE: The public is invited to review and comment on the "Cape Cod Water Resources Restoration Project Draft Watershed Plan and Areawide Environmental Impact Statement" by September 8, 2006.

The plan is available on-line at www.ma.nrcs.usda.gov and at the public library main branch in each Cape Cod town. The U.S. Department of Agriculture's Natural Resources Conservation Service, in partnership with the Cape Cod Conservation District and the Barnstable County Commissioners, is proposing to restore degraded salt marshes and obstructed fish passages, and improve water quality at sites throughout Cape Cod.

8/9/06

VISIT US ONLINE AT
capecod
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United States Department of Agriculture
Natural Resources Conservation Service

Massachusetts State Office

451 West Street, Amherst, MA 01002
413-253-4350, fax 413-253-4375
www.ma.nrcs.usda.gov

NEWS RELEASE

FOR IMMEDIATE RELEASE

August 4, 2006

CONTACT: Diane Baedeker Petit
Public Affairs Specialist
(413) 253-4371

Carl Gustafson
State Conservation Engineer
(413) 253-4362

Proposed watershed restoration project will benefit Cape Cod, according to report

Draft environmental impact statement available for public review and comment

AMHERST, Mass. -- A major water resources restoration project proposed for Cape Cod will have long-term beneficial effects on the region and no significant detrimental effects, according to a draft environmental impact statement released by the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS).

The public is invited to review and comment on the draft statement by September 8, 2006. The "Cape Cod Water Resources Restoration Project Draft Watershed Plan and Areawide Environmental Impact Statement" is available on-line at www.ma.nrcs.usda.gov. Copies have also been sent to the public library main branch in each Cape Cod town.

NRCS, in partnership with the Cape Cod Conservation District and the Barnstable County Commissioners, is proposing the Cape Cod Water Resources Restoration Project to restore degraded salt marshes and obstructed fish passages, and improve water quality at sites throughout Cape Cod.

The proposed project will restore 1,500 acres of degraded salt marsh, improve fish access to 4,200 of spawning habitat, and improve water quality for 7,300 acres of shellfish beds. Short-term economic benefits are expected, as well, from the creation of construction jobs.

Only minor short-term adverse impacts are anticipated, which could include noise at construction sites and traffic disruptions. Construction periods at specific sites would be short, ranging from a week to a couple of months.

An estimated \$15-20 million in federal planning, technical and cost-share assistance will be provided through NRCS's Small Watershed Program, which targets watersheds less than 250,000 acres. Local communities will share in construction costs. The plan and environmental impact statement, prepared by the Cape Cod Conservation District with assistance by NRCS, will require final approval by Congress before federal assistance is authorized.

-- MORE --

“Shellfish beds on the Cape are often closed for extensive periods during the year because of poor water quality,” said Lee Davis, chair of the Cape Cod Conservation District. “Storm water runoff is a significant source of pollution. Salt marsh degradation and barriers that interfere with the migration of fish are also a concern.”

“The watershed plan includes conservation improvements to be implemented over a period of years,” said Donald Liptack, District Conservationist for the local NRCS office in Hyannis. “We need public input to ensure that the plan is physically, environmentally, socially and economically sound.”

The Cape Cod Conservation District and Barnstable County Commissioners are the lead sponsors of the project, working in partnership with federal, state and local agencies, as well as all Barnstable County towns. NRCS will be the lead technical assistance agency.

#

		Company	Business Phone	Business Fax	E-mail
		Associated Press	(617) 357-8100	(617) 338-8125	
		Associated Press Providence	(401) 274-2270	(401) 272-5644	
		Barnstable Patriot	(508) 771-1427	(508) 790-3997	Editor@barnstablepatriot.com
		Boston Globe	(617) 929-3112	(617) 929-3186	allen@globe.com
		Boston Globe	(617) 929-3043	(617) 929-8329	b_daley@globe.com
		Boston Globe South	(781) 826-1053		estes@globe.com
		Boston Herald	(617) 426-3000	(617) 542-1315	
		Boston Herald	(617) 426-3000	(617) 426-1865	
		Bourne Enterprise	(508) 548-4700	(508) 540-8407	news@capenews.net
		Cape Cod Chronicle	(508) 945-2220	(508) 945-2579	twood@capecodchronicle.com
		Cape Cod Independent	(508) 759-7703	(508) 759-7703	
		Cape Cod Times	(508) 862-1155	(508) 771-3292	news@capecodonline.com
		Cape Cod Times	(617) 775-1200	(508) 771-3292	ppronovost@capecodonline.com
		Cape Codder	(508) 255-2121	(508) 247-3201	capecodder@cnc.com
		Ch. 04, WBZ-TV	(617) 787-7000	(617) 787-5969	4news@wbz.com
		Ch. 05, WCVB TV	(781) 449-0400	(781) 449-6681	wcvbnews@thebostonchannel.com
		Ch. 06, WLNE-TV	(401) 453-8000	(401) 453-8092	jmarshall@abc6.com
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		Falmouth Enterprise	(508) 548-4700	(508) 540-8407	enterprise@cape.com
		Harwich Oracle	(508) 398-0123	(508) 760-3387	harwich@cnc.com
		Providence Journal	(508) 674-8401	(508) 676-6140	massbureau@projo.com
		Upper Cape Codder			uppercapecodder@cnc.com
		WBUR-FM	(617) 353-1159	(617) 353-4747	rgotbaum@wbur.bu.edu
		WBUR-FM	(617) 353-1159	(617) 353-4747	dbecker@wbur.bu.edu
		WCIB 102 Hyannis	(508) 778-2888	(508) 790-4967	larry@cool102.com
		WFCC 107.5 W. Yarmouth	(508) 790-3772		mail@wfcc.com
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		Yarmouth Register	(508) 375-4990	(508) 375-4901	ghritt@cnc.com

Cape Cod Water Resources Restoration Project Draft EIS distribution list

<i>Title</i>	<i>First Name</i>	<i>Last Name</i>	<i>Company / Organization</i>	<i>City</i>	<i>State</i>
Mr.	John	O'Neill		Madbury	NH
Mr.	Greg	Smead		Barrington	NH
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Mr.	William	Burt	Cape Cod Cooperative Extension	Barnstable	MA
Mr.	Willam	Clark	Cape Cod Cooperative Extension	Barnstable	MA
			Chatham Library	Chatham	MA
Mr.	Hunt	Drurey	Coastal Zone Management	Boston	MA
Mr.	Tim	Smith	Coastal Zone Management	Boston	MA
Ms.	Susan	Snow-Cotter	Coastal Zone Management	Boston	MA
The Honorable	Mitt	Romney	Commonwealth of Massachusetts	Boston	MA
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			Department of Commerce	Washington	DC
			Department of Housing and Urban Development	Washington	DC
The Honorable	Dirk	Kempthorne	Department of the Interior	Washington	DC
			Department of Transportation	Washington	DC
Mr.	Jim	Fair	Division of Marine Fisheries	E. Sandwich	MA
Mr.	Ken	Reback	Division of Marine Fisheries	Plymouth	MA

<i>Title</i>	<i>First Name</i>	<i>Last Name</i>	<i>Company / Organization</i>	<i>City</i>	<i>State</i>
Mr.	Dave	Whittaker	Division of Marine Fisheries	Pocasset	MA
Mr.	Michael	Armstrong	Division of Marine Fisheries - Annisquam River Marine Fis	Gloucester	MA
Mr.	Philip	Brady	Division of Marine Fisheries (fish)	Pocasset	MA
Mr.	Michael	Hickey	Division of Marine Fisheries (shellfish)	Pocasset	MA
			Eastham Library	Eastham	MA
Mr.	Edward	Reiner	Environmental Protection Agency Region 1	Boston	MA
			Environmental Protection Agency Regional Office	Boston	MA
Ms.	Kathleen	Baskin	Executive Office of Environmental Affairs	Boston	MA
Secretary	Stephen	Pritchard	Executive Office of Environmental Affairs	Boston	MA
			Falmouth Library	Falmouth	MA
			Harwich Port Library	Harwich	MA
			Hyannis Library	Hyannis	MA
			Mashpee Library	Mashpee	MA
Commissioner	Robert	Golledge	Mass. Dept. of Environmental Protection	Boston	MA
Ms.	Joan	Kimball	Mass. Dept. of Fish and Game, Riverways Program	Boston	MA
			Mass. Div. of Fish and Wildlife, Natural Heritage	Westborough	MA
Mr.	Henry	Barbaro	Mass. Highway Department	Boston	MA
Mr.	Bob	Wallace	Massachusetts Aquaculture Association	North Eastham	MA
			Massachusetts Audubon Society	Lincoln	MA
Ms.	Brona	Simon	Massachusetts Historical Commission	Boston	MA
The Honorable	Demetrius	Atsalis	Massachusetts House of Representatives	Boston	MA
The Honorable	Susan	Gifford	Massachusetts House of Representatives	Boston	MA
The Honorable	Shirley	Gomes	Massachusetts House of Representatives	Boston	MA
The Honorable	Matthew	Patrick	Massachusetts House of Representatives	Boston	MA
The Honorable	Jeffrey	Perry	Massachusetts House of Representatives	Boston	MA

<i>Title</i>	<i>First Name</i>	<i>Last Name</i>	<i>Company / Organization</i>	<i>City</i>	<i>State</i>
The Honorable	Eric	Turkington	Massachusetts House of Representatives	Boston	MA
The Honorable	Cleon	Turner	Massachusetts House of Representatives	Boston	MA
The Honorable	Therese	Murray	Massachusetts Senate	Boston	MA
The Honorable	Robert	O'Leary	Massachusetts Senate	Boston	MA
Mr.	Christopher	Boelke	National Oceanic and Atmospheric Administration	Gloucester	MA
Mr.	Eric	Hutchins	National Oceanic and Atmospheric Administration	Gloucester	MA
Mr.	John	Portnoy	National Park Service	Wellfleet	MA
			National Wildlife Federation	Reston	VA
			Natural Resources Defense Council	New York	NY
			Office of Advocacy and Enterprise	Boston	MA
			Office of Environmental Project Review	Boston	MA
			Provincetown Library	Provincetown	MA
			Sandwich Library	Sandwich	MA
Mr.	William	Walton	SE MA Aquaculture Center	Barnstable	MA
			Sierra Club	Boston	MA
			Snow Library	Orleans	MA
Ms.	Linda	Zuern	Town of Bourne	Buzzards Bay	MA
Ms.	Dyanne	Cooney	Town of Brewster	Brewster	MA
			Town of Buzzards Bay	Buzzards Bay	MA
Mr.	Robert	Duncanson, PH.D.	Town of Chatham	Chatham	MA
Mr.	David	Whitcomb	Town of Chatham	Chatham	MA
Mr.	Don	Trepte	Town of Dennis	So. Dennis	MA
Ms.	Linda	Burt	Town of Eastham	Eastham	MA
Mr.	Carey	Murphy	Town of Falmouth	Falmouth	MA
Mr.	Robin	Wilkins	Town of Harwich	Harwich	MA

<i>Title</i>	<i>First Name</i>	<i>Last Name</i>	<i>Company / Organization</i>	<i>City</i>	<i>State</i>
Mr.	Donald	Grisson	Town of Hyannis	Hyannis	MA
Mr.	Wayne	Taylor	Town of Mashpee	Mashpee	MA
Mr.	Jon	Fuller	Town of Orleans	Orleans	MA
Dr.	Cheryl	Andrews	Town of Provincetown	Provincetown	MA
Mr.	Randal	Hunt	Town of Sandwich	Sandwich	MA
Mr.	Alfred	Gaechter	Town of Truro	No. Truro	MA
Mr.	Dale	Donovan	Town of Wellfleet	Wellfleet	MA
Mr.	James	Saben	Town of Yarmouth, c/o Town Admin. Office	S. Yarmouth	MA
			Truro Public Library	North Truro	MA
The Honorable	William	Delahunt	United States House of Representatives	Quincy	MA
The Honorable	Edward	Kennedy	United States Senate	Boston	MA
The Honorable	John	Kerry	United States Senate	Boston	MA
Mr.	William	Hubbard	US Army Corps of Engineers	Concord	MA
Mr.	Marvin	Moriarty	US Fish and Wildlife Service Regional Office	Hadley	MA
Ms.	Sandra	Adams	USDA Farm Service Agency	Amherst	MA
Mr.	David	Tuttle	USDA Rural Development	Amherst	MA
Mr.	Dan	Barnett	USDA-NRCS	W. Wareham	MA
Mr.	Larry	Boutiette	USDA-NRCS	Holden	MA
Mr.	Rudy	Chlanda	USDA-NRCS	Amherst	MA
Mr.	Richard	Coombe	USDA-NRCS	Washington	DC
Mr.	Rick	DeVergilio	USDA-NRCS	Amherst	MA
Mr.	Carl	Gustafson	USDA-NRCS	Amherst	MA
Mr.	Andy	Lipsky	USDA-NRCS	Warwick	RI
Mr.	Don	Liptack	USDA-NRCS	Hyannis	MA
Mr.	Marc	MacQueen	USDA-NRCS	W. Wareham	MA

<i>Title</i>	<i>First Name</i>	<i>Last Name</i>	<i>Company / Organization</i>	<i>City</i>	<i>State</i>
Ms.	Barbara	Miller	USDA-NRCS	Amherst	MA
Mr.	John	O'Neill	USDA-NRCS		
Ms.	Diane	Petit	USDA-NRCS	Amherst	MA
Mr.	Greg	Snead	USDA-NRCS		
Mr.	Keith	Admire	USDA-NRCS NWMC	Washington	DC
Ms.	Jackie	Davis-Slay	USDA-NRCS WPD	Washington	DC
Mr.	Terry	Atwood	USDA-NRCS, National Water Management	Little Rock	AR
Mr.	Tim	Sweeney	USDA-NRCS, National Water Management	Little Rock	AR
Ms.	Cheryl	Andrews-Maltais	Wampanoag Tribe of Gay Head Aquinnah	Aquinnah	MA
			Wellfleet Library	Wellfleet	MA
			West Yarmouth Library	West Yarmouth	MA



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

September 5, 2006

Natural Resources Conservation Service
Attn: Cecil Currin
451 West Street
Amherst, MA 01002

Re: Cape Cod Water Resources Restoration Project Draft Watershed Plan and Area wide
Environmental Impact Statement (EIR)
Barnstable County, MA
NHESP Tracking No. 06-19857

Dear Cecil Currin:

Thank you for submitting the above EIR to the Natural Heritage and Endangered Species Program ("NHESP") of the MA Division of Fisheries & Wildlife for review. We have reviewed this EIR and would like to offer the following comments.

The above project sites all fall within NHESP *Priority Habitat* (PH) and *Estimated Habitat* (EH) regulatory polygons (for a complete rare species list, please see the rare species information request response letter from the NHESP dated 5/19/2006).

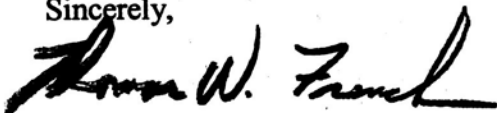
As stated in the above referenced EIR (section 3.10 titled "Threatened and Endangered Species"), MA state-listed rare species are protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). Therefore, this project will require a formal MESA filing with the NHESP. For information on the MESA, including an application checklist, please visit our website at: www.nhesp.org under the "Regulatory Review" tab. On a case by case basis, field surveys and habitat assessments may be required as part of the MESA review process in order to locate rare species on the project site, and to determine their patterns of distribution and habitat use.

Also, please note that the management of anadromous runs of river herring in Massachusetts falls under the jurisdiction of the Division of Marine Fisheries. They should be consulted for information on proposed improvements to the fish runs.

www.masswildlife.org

The NHESP would like to thank the NRCS for taking into account state-listed rare species concerns in the preparation of this EIR. If you have any questions regarding this review please call Jon Regosin, Senior Endangered Species Review Biologist, at (508) 792-7270, ext. 316.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas W. French". The signature is fluid and cursive, with the first name "Thomas" and last name "French" being clearly legible, and "W." in the middle.

Thomas W. French, Ph.D.
Assistant Director



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO:
ATTENTION OF:

September 5, 2006

Engineering/Planning Division
Evaluation Branch

Cecil B. Currin
State Conservationist
Natural Resources Conservation Service
451 West Street
Amherst, Massachusetts 01002

Dear Mr. Currin:

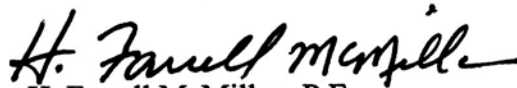
The purpose of this letter is to provide review comments from New England District, Corps of Engineers (Corps) for the Natural Resources Conservation Service efforts under the Cape Cod Water Resources Restoration Project (CCWRRP) Draft Watershed Plan and Area-wide Environmental Impact Statement. These comments are provided under our National Environmental Policy Act authorities. As you know, Mr. William A. Hubbard of our Evaluation Branch has participated in the steering committee for the CCWRRP. As stated at steering committee meetings, the Corps finds the ecological and economic outputs of the CCWRRP to justify the investments. As the project proceeds into design, the Corps is willing to provide technical assistance within time and funding constraints. Additionally, we will investigate our own aquatic habitat restoration authorities to implement any sites identified as suitable for US Army Corps of Engineers programs.

It appears that these projects may involve activities that require a permit from the Corps of Engineers. A Corps of Engineers permit is required under Section 10 of the Rivers and Harbors Act of 1899 for all work seaward of mean high water (MHW) in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways used to transport interstate or foreign commerce. Permits are also required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline our jurisdiction extends landward to the high tide line (HTL) (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters our jurisdiction extends landward to the ordinary high water (OHW) mark or to the landward limit of any wetlands, whichever is more extensive. Pro-active restoration projects are potentially eligible for expedited permit review through the Corps Massachusetts Programmatic General Permit.

Pre-application coordination is encouraged; please contact Karen K. Adams at (978) 318-8828 to initiate permitting coordination during preliminary design of each project.

We look forward to continued collaboration on this important water resources project. Our point of contact remains as Bill Hubbard at (978) 318-8552.

Sincerely,

A handwritten signature in black ink, reading "H. Farrell McMillan". The signature is written in a cursive style with a prominent initial "H" and a long, sweeping underline.

H. Farrell McMillan, P.E.

Chief, Engineering/Planning Division



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
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E-mail: frontdesk@capecodcommission.org

SEP 11 2006

September 8, 2006

Mr. Cecil Currin, State Conservationist
USDA/Natural Resources Conservation Service
451 West Main St
Amherst, MA 01002

Dear Mr. Currin,

Thank you for the opportunity to review and comment on the Area-wide Environmental Impact Statement for the Cape Cod District's Watershed Plan (Plan/EIS). While the Cape Cod Commission has not formally reviewed the document, Commission staff offer the following comments. Additional review by the Cape Cod Commission may be required of individual projects that exceed thresholds in the Cape Cod Commission Act for review of Developments of Regional Impact.

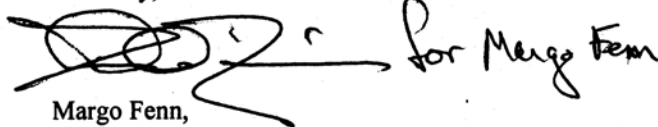
The Plan/EIS presents a comprehensive overview of some of the environmental challenges confronting communities on Cape Cod and their historical origins. The Plan/EIS provides conceptual discussions of measures to be installed to address degraded resources, and a preliminary quantification of the affected area likely to be improved by the project. Commission staff believe that the document accurately identifies the potential environmental improvements and demonstrates the need for the project.

The Plan/EIS analysis consists solely of the proposed work and the no-action alternative. Establishing a baseline for the proposed work alternative required the identification of specific approaches likely to yield improvements at each site, and the use of some assumptions about improvements to habitat characteristics. Commission staff believe that this analysis is adequate for evaluating the decision to fund the proposal. However, a more complete analysis of different designs should be completed through future "environmental evaluations" filed under the final tiered EIS. Alternative designs that include additional maintenance and monitoring provisions and mitigation strategies should be evaluated when work is contemplated. As such, funding should be tied to environmental results identified as the three objectives identified in the document, and should not be constrained by the particular technologies described in the Plan/EIS. Commission staff believe that specific projects will require a more robust diagnosis of environmental degradation, a broader discussion of project alternatives to address the cause of the degradation, and a full treatment of post-project monitoring and long-term maintenance of the project.

If approved and funded, the work described in the Plan/EIS will result in significant improvement to the Cape's coastal environment. The staff of the Cape Cod Commission support the approval and funding of the Plan/EIS, and look forward to working with the NRCS and project partners as specific mitigation projects are designed and implemented.

Thank you for the opportunity to comment on this important undertaking.

Sincerely,



Margo Fenn,
Executive Director





United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
408 Atlantic Avenue – Room 142
Boston, Massachusetts 02210-3334



September 13, 2006

9043.1
ER 06/764

Cecil B. Currin,
State Conservationist
451 West Street
Amherst, MA 01002

Dear Mr. Currin:

The U.S. Department of the Interior has reviewed the Draft Watershed Plan and Areawide Environmental Impact Statement (EIS) for the Cape Cod Water Resources Restoration Project, Barnstable County, Massachusetts. We have no comments on the Plan or EIS.

Thank you for the opportunity to review and comment on the proposed project. Please contact me at (617) 223-8565 if I can be of assistance.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

Sent: Thursday, September 14, 2006 2:39 PM
To: Currin, Cecil - Amherst, MA
Subject: Cape Cod Water Resources Restoration Project

The Barnstable Association for Recreational Shellfishing has been given the opportunity to review the Draft Watershed Plan and Areawide Environmental Impact Statement. BARS finds that the goals and objectives expressed are totally consistent and in phase with those expressed in the BARS mission statement. As such we support and encourage others to support this meaningful proposal.

BARS is a volunteer organization formed in 2001 to aid in all aspects of improving all of the shellfish assets of the Town of Barnstable. We started with less than 10 folks -- now number in excess of 150 and growing. We continue work closely with and in conjunction with Tom Marcotti and Kris Clark of the Barnstable Dept. of Natural Resources. Please get in touch with any thoughts or requests of how we could further support your efforts.

Sincerely, Stan Negus BARS President



3010 Main St., P.O. Box 398
Barnstable, MA 02630-0398
Margaret Geist, Executive Director

Phone 508-362-4226
Toll-free 877-955-4142
Fax 508-362-4227
E-mail info@apcc.org
Web www.apcc.org

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Gwendolyn C. Pelletier
Daniel A. Wolf

September 15, 2006

Mr. Cecil B. Currin
State Conservationist
USDA Natural Resources Conservation Service
451 West Street, Amherst, MA 01002

Re: Comment Letter, Environmental Impact Statement for
Cape Cod Water Resources Restoration Project (CCWRRP)
Federal Register: August 1, 2006, Vol. 71, No. 147, [Notices],
Pages 43438-43439

Dear Mr. Currin:

The Association to Preserve Cape Cod (APCC) is writing this letter to express our strong support for the restoration project being proposed by the Natural Resources Conservation Service (NRCS). The Cape Cod Water Resources Restoration Project (CCWRRP) represents one of the boldest and most important restoration efforts ever proposed on Cape Cod. In the CCWRRP, the NRCS is proposing to undertake up to 76 projects to restore and improve salt marshes, fish runs and shellfish beds throughout the Cape. These projects include:

- Restoration of tidal flow to 26 tidally-restricted salt marsh sites, which will restore and improve 1,500 acres of salt marsh;
- Improvements to 24 impaired fish passages, which will allow herring and other anadromous and catadromous fish to better access 4,200 acres of fish spawning areas in coastal and freshwater ponds; and
- Remediation of stormwater discharges at up to 26 sites, which will open or improve up to 7,300 acres of shellfish beds.

The CCWRRP will remediate stormwater discharges at up to 26 sites where untreated stormwater runoff is currently being discharged into Cape Cod's coastal waters. Untreated stormwater is a significant source of pollution to coastal waters, because runoff frequently contains bacteria, metals, hydrocarbons, suspended sediments, nutrients, and other harmful pollutants. Stormwater pollutants have caused closures of public beaches and shellfishing areas, with huge impacts on the local economy and public health. The stormwater remediation proposed in the CCWRRP will benefit shellfishing areas, recreational and commercial shellfishing, beach water quality, and the local economy.

The CCWRRP will restore seawater flows to 1,500 acres of salt marsh, which have been impacted by reduction of seawater flows. Healthy salt marshes provide habitat for shellfish, fish, birds, and other wildlife, including commercially and recreationally important fish and shellfish species. Salt marshes are important to humans as well, because marshes filter out pollutants and help to minimize flooding of inland properties during storm surges. Much of Cape Cod's beauty depends upon wide vistas of salt marsh. However, healthy salt marshes require regular doses of seawater from tidal flows. Tidal restrictions due to road construction, inadequate tidal culverts or no culverts, and diking eventually cause salt marshes to die. The CCWRRP will thereby benefit shellfish, fish and wildlife habitat and restore the beautiful salt marsh vistas so characteristic of Cape Cod.

Finally, the NRCS has identified 24 priority fish run restoration sites. Fish runs allow anadromous fish such as herring, alewives, shad and others to travel from the sea to freshwater ponds and lakes where they breed and spawn. Catadromous fish, such as American eels, breed in the ocean and migrate into freshwater where they spend much of their lives. Such fish species are globally important for their ecological, commercial and historical values. Their populations in the Northeast have declined drastically in recent years. This project will improve fish access to 4,200 acres of freshwater habitat for anadromous and catadromous fish and will help to protect habitat for these fish.

The CCWRRP will provide enormous benefits to both the environment and the economy. Our coastal economy relies heavily upon seasonal tourism, which in turn depends upon clean coastal waters and healthy coastal ecosystems. Our shellfish beds, salt marshes, fisheries, and coastal habitat provide valuable economic, ecological and aesthetic values. Furthermore, the significant scale of restoration that is proposed represents a cost-effective approach to restoration, because it will address the key causes of impairment.

APCC also supports this project because it will help to achieve many of the goals of the Massachusetts Bays Program (MBP) for Cape Cod. The MBP focuses on protecting and restoring living resources of Cape Cod Bay and Massachusetts Bay in order to maintain healthy coastal ecosystems that are also usable by humans. As the new host organization for MBP on Cape Cod, APCC feels the CCWRRP will address these goals.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in cursive script that reads "Maggie Geist".

Maggie Geist
Executive Director



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

Cecil Currin, State Conservationist
USDA-NRCS
451 West Street
Amherst, MA 01002

September 15, 2006

Dear Mr. Currin:

The Massachusetts Office of Coastal Zone Management (CZM) and its Wetlands Restoration Program (WRP) strongly support the Natural Resources Conservation Service's Cape Cod Water Resources Restoration Project and respectfully encourage Congress to authorize the project. Cape Cod is a truly unique landscape with regionally significant coastal habitats and ecological resources. Historic human activities have caused widespread degradation of these habitats through restricted tidal flows to salt marshes, blocked fish passages, and pollution of shellfish beds from stormwater runoff. The proposed NRCS project will build on the work of state, local, regional and federal partners to greatly accelerate habitat restoration progress across the Cape over the next decade.

The restoration sites proposed in the EIR Final Watershed Plan will re-establish critical habitat functions and human services that have been lost due to historic degradation of Cape Cod's coastal areas. Restored habitats will enhance recreational and commercial fisheries, protect people and property from flooding, improve water quality, and raise property values. They are an integral part of a healthy coastal environment that supports the region's economy, safety, and overall quality of life.

CZM and WRP are committed to working with the Executive Office of Environmental Affairs and the other project sponsors to help raise the required twenty-five percent non-federal matching funds for project implementation. We are also committed to working closely with the towns, regional organizations, NRCS, and other partners to help facilitate the development and completion of individual restoration projects. We have a wealth of experience helping communities complete these types of projects, and we look forward to offering our expertise and assistance in support of this important restoration initiative. We hope that the Congress will also recognize the importance and value of this project and show its support through the authorization of the Final Watershed Plan.

Sincerely,

Bruce K. Carlisle
Assistant Director
Office of Coastal Zone Management



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Secretary

ARLEEN O'DONNELL
Commissioner

September 20, 2006

Cecil B. Currin, State Conservationist
USDA-NRCS
c/o Carl Gustafson
451 West Street
Amherst, MA 01002,

RE: Cape Cod Water Resources Restoration
Project – Draft Watershed Plan –
Areawide Environmental Impact
Statement (EIS), August 2006

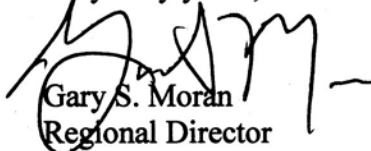
Dear Mr. Currin:

MassDEP is pleased to offer this letter of support for the Natural Resources Conservation Service's (NRCS) Cape Cod Water Resources Restoration Project. MassDEP has met with staff from NRCS and has attended public information meetings for this project and is impressed with its goals and the thoroughness with which it has been developed.

Addressing stormwater runoff, restoring anadromous fish passages and opening artificially restricted tidal inlets are all laudable goals in the important work of maintaining and restoring estuarine resources. MassDEP sees this project as complementing our efforts in the Massachusetts Estuaries Project and serves as a perfect example how working cooperatively and in parallel our two agencies can further advance environmental protection and resource restoration.

MassDEP looks forward to continuing our cooperative relationship and eagerly anticipates the improvements to be realized from this project. If you have any questions regarding this letter, please contact Brian Dudley of my staff at (508) 946-2753. MassDEP SERO appreciates the opportunity to review this Environmental Impact Statement.


Very truly yours,


Gary S. Moran
Regional Director

GM/BD/SS
NRCS Support letter.doc

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

 Printed on Recycled Paper

Cc: DEP/SERO

ATTN: David Terry
Deputy Regional Director

Jonathan Hobill
Regional Engineer
Bureau of Resource Protection

Brian Dudley
Chief, Water and Nutrient Management

Elizabeth Kouloheras
Team Leader, Cape Cod Watershed
Chief, Wetlands and Waterways

Sharon Stone
Coordinator, Cape Cod Watershed
SERO/MEPA Coordinator

Richard Keith
Chief, Municipal Services

Cc: DEP/Boston

ATTN: Richard Lehan
Acting Deputy Associate Commissioner/Operations



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

4. Cecil
2. Carl
3. Kary

DEMETRIUS J. ATSALIS
REPRESENTATIVE
2ND BARNSTABLE DISTRICT

ROOM 26, STATE HOUSE
TEL. (617) 722-2080
FAX (617) 722-2339

E-Mail:

Rep.DemetriusAtsalis@hou.state.ma.us

Committees:

Vice Chairman, Election Laws
Labor and Workforce Development
Economic Development and Emerging Technologies

DISTRICT OFFICE

TEL. (508) 771-5422
FAX (508) 790-8755

September 20, 2006

Cecil Currin
State Conservationist, USDA-NRCS
451 West Street
Amherst, MA 01002

Dear State Conservationist Currin,

I am writing this letter today to express my support of the "Cape Cod Water Resources Restoration Project". I have reviewed the draft plan for the project and I would like to emphasize the importance of this project to the health of our watershed.

The "Cape Cod Water Resources Restoration Project" will restore approximately 400 acres of degraded salt marsh to benefit fish and wildlife, in addition to restoring fish passages to improve 3,500 acres of spawning area. It will also restore and protect over 7,000 acres of shellfish beds by treating stormwater runoff and improving water quality.

Thank you for your time and consideration of this matter.

Sincerely,

Demetrius J. Atsalis
STATE REPRESENTATIVE
2nd Barnstable District



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

September 21, 2006

Cecil B. Currin
State Conservationist
USDA-NRCS
451 West Street
Amherst, Massachusetts 01002

Re: Draft Watershed Plan and Areawide Environmental Impact Statement for the Cape Cod Water Resources Restoration Project, Barnstable County, Massachusetts (CEQ # 20060328)

Dear Mr. Currin:

The Environmental Protection Agency-New England Region (EPA) has reviewed the United States Department of Agriculture's (USDA) Draft Watershed Plan and Areawide Environmental Impact Statement (DEIS) for the Cape Cod Water Resources Restoration Project for various watershed protection and fish and wildlife development projects in Barnstable County, Massachusetts. We submit the following comments on the Draft Environmental Impact Statement (DEIS) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

According to the DEIS the Cape Cod Water Resources Restoration Project is intended to restore degraded saltmarsh, restore anadromous fish passage, and improve water quality in shellfishing areas. The project is comprised of a total of 76 projects (26 saltmarsh restoration projects, 26 obstruction remediation projects to restore fish passage, and 26 stormwater remediation projects) that would be carried out over a ten year construction period. As each project is advanced by a local sponsor it will be reviewed through a more detailed environmental evaluation tiered from the original EIS. EPA does not object to this approach and supports the USDA's recommended plan described in the EIS. We encourage the USDA to promote close coordination with the EPA, Massachusetts Coastal Zone Management Office Wetland Restoration Program Staff, the Massachusetts Division of Marine Fisheries and other state offices as individual projects are proposed. We also suggest early coordination with our wetlands section (Ed Reiner, 617-918-1692) and the United States Army Corps of Engineers for any projects which will require permitting under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

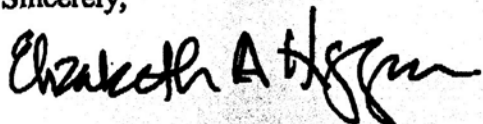
617-918-1010

Internet Address (URL) • <http://www.epa.gov/region1>

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We appreciate the opportunity to comment on the DEIS. Based on our review of the DEIS we have rated the DEIS "LO-1—Lack of Objections-Adequate" in accordance with EPA's national rating system, a description of which is attached to this letter. Please contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review with any comments or questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth A. Higgins". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Higgins" clearly distinguishable.

Elizabeth A. Higgins, Director
Office of Environmental Review

Attachment

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.



Town of Barnstable
Regulatory Services
Thomas F. Geiler, Director
Conservation Division

Robert W. Gatewood, Administrator
200 Main Street, Hyannis, MA 02601

E-mail: conservation@town.barnstable.ma.us

2006 OCT 10 10:00

Office: 508-862-4093

Fax: 508-778-2412

October 2, 2006

Mr. Cecil Curran, State Conservationist
USDA-NRCS
451 West St.
Amherst, MA 01002

Dear Mr. Curran:

I am writing to express my unqualified support for the proposed Cape Cod Water Resources Restoration Project, a project which the Town of Barnstable sees as essential to preserving and bringing back its nearshore resources.

As designed, the Cape Cod Water Resources Restoration Project will achieve the following goals:

1. Restore salt marshes to benefit fish and wildlife.
2. Measures to restore fish passage on existing anadromous (born in fresh water, live in the ocean migrating back to fresh to spawn) fish runs.

Examples of structural measures include:

- Water control structures, fish ladders and fish passages.
- Culvert enlargement or replacement for tidally restricted salt marshes.

3. Restore and protect shellfish beds by treating storm water runoff.

Examples of improvements include:

- Constructed wetlands, infiltration basins or trenches
- Dry wells and sand filters
- Vegetative filters

The project payoff would be of enormous economic and environmental benefit to our region. It would restore approximately 1,500 acres of degraded salt marsh. It will restore 4,200 acres of spawning and nursery habitat for anadromous fish, and improve the water quality for over 7,300 acres of shellfish beds by treating storm water runoff.

I wish you every success with this timely and innovative proposal, and pledge to lend whatever assistance I can on behalf of the Town to see it implemented.

Sincerely,

Rob Gatewood, Conservation Administrator

Cc: Sen. Kennedy, Sen. Kerry, Rep. Delahunt, Barnstable Conservation District



Town of Dennis
P.O. Box 2060, South Dennis, MA 02660-2060
Telephone: 508-394-8300, Fax: 508-394-8309

October 10, 2006

Cecil Currin, State Conservationist
USDA Natural Resources Conservation Service
451 West Street
Amherst, MA 01002-2995


Dear Mr. Currin:

Please accept this letter from the Dennis Board of Selectmen as our expression of support for the proposed Cape Cod Water Resources Restoration Project (Restoration Project).

The peninsula of Cape Cod is an environmentally fragile area consisting of numerous estuaries, and thousands of acres of wetlands, salt marshes, fish and shellfish habitats. It also happens to be one of the most popular tourist destination locations on the eastern seaboard as well as one of the fastest growing counties in Massachusetts, and as such, Cape Cod's marine environment is under constant threat of degradation. The Restoration Project is a ten (10) year action plan that includes salt marsh restoration projects, fish passage obstruction remediation projects and stormwater remediation projects in the fifteen (15) communities of Cape Cod. The development of the Restoration Project has been years in the making. It has had broad input and involvement from representatives of the Cape communities, Barnstable County officials, private sector environmental and business communities, and lastly, widespread public support throughout Cape Cod.

We hope you agree that this ambitious, comprehensive plan will yield significant improvements to our marine wildlife, fish and shellfish habitats, and we ask your support for the Restoration Project. Thank you for your consideration in this matter.

Respectfully yours,


Donald P. Trepte, Chairman
Dennis Board of Selectmen

DPL/rfc

cc: Donald Liptak, District Conservationist
Dennis Conservation Commission



United States Department of the Interior

NATIONAL PARK SERVICE
Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
508.349.3785
508.349.9052 Fax

IN REPLY REFER TO:
L7619

October 10, 2006

Cecil B. Currin
State Conservationist
Natural Resource Conservation Service
451 West Street
Amherst, Massachusetts 01002

Subject: Review of the Draft Environmental Impact Statement for the Cape Restoration Project

Dear Mr. Currin:

As indicated in my letter of June 6, 2006, the Cape Cod National Seashore (Seashore) is pleased to support the Natural Resource Conservation Service's (NRCS) Cape Cod Water Resources Restoration Project to restore salt marshes, migratory fish runs and shellfish water quality on the Cape over the next decade, and offers these review comments on the Draft Environmental Impact Statement (EIS) for this project.

We note that East Harbor (Pilgrim Lake), in Truro was not included in the list of prioritized sites, despite the fact that that 1) the entire 720-acre salt-marsh estuary is diked, and 2) tidal restoration would satisfy all three objectives of the NRCS Cape Project: tidal restoration, bacteriological water-quality improvement, and the restoration of migratory fish passage. We understand that ongoing work by others, in this case the US Army Corps of Engineers, is a criterion for rejecting a project; however, given the NRCS goals detailed in the draft plan, to mitigate pollution of road runoff, this seems like an ideal (and highly visible) project for NRCS support. Route 6 parallels East Harbor for over two miles, with all west-bound runoff flowing directly into the waters of East Harbor. Over the past few years, with partial tidal restoration, dense shellfish beds (principally soft-shell clams) have reestablished, but under current road-runoff management, will likely remain polluted indefinitely. In addition, with the restoration of salinity, but continuance of poor tidal flushing, the lagoon system suffers from dense macroalgae blooms and occasional summertime hypoxia. Please reconsider NRCS involvement in this project.

The Water Quality section should indicate that tidal restrictions are not only an environmental problem in and of themselves, but can also exacerbate fecal pollution due to reduced flushing (see: Portnoy, J.W. & J. R. Allen, 2006, Effects of tidal restrictions and potential benefits of tidal restoration on fecal coliform and shellfish-water quality. J. Shellfish Research 25:609-617) as well as impeding migratory fish passage. Also note that the water quality of Wellfleet's Herring River is listed as impaired per Section 303(d) of the Clean Water Act, for acidity and metals, both due to diking and drainage.

Section 3.9 (Salt Marshes) should cite the water-quality effects of diking and marsh drainage. See, for example, Portnoy, J.W. 1999. Salt marsh diking and restoration: Biogeochemical implications of altered wetland hydrology. Environmental Management 24:111-120, and references cited therein.

Page 4-1. The quote from the Cape Cod Atlas has a misleading statement that should not be propagated. *Phragmites* is not so much "more tolerant of brackish conditions" as it is a better competitor than salt marsh grasses under low-salinity (<20 ppt) conditions.

Table 5-1. Given the public comment that the Herring River (Wellfleet) Technical Committee has recently received, we are surprised that saltwater intrusion into supply wells was not mentioned as a public concern.

Table 6-1. For better reference, this table should give place names of restoration sites, using place names on current USGS Quad Sheets.

Table 6-2. As mentioned above for East Harbor, projects that contribute to all three objectives of the NRCS program, i.e. restoring salt marshes, shellfish beds and fish runs, should be given especially high priority scores.

Tables 6-1 and 6-3. Replacement of Wellfleet's Herring River dike with a bridge is included in both tables, with cost estimates of \$4 and \$2.5 million, respectively. However, this is the same construction project. It just accomplishes both tidal-restoration and fish-passage objectives. Is the total cost the sum of these two estimates?

Page 6-28 This section should mention that increased (restored) tidal flushing would dilute and reduce concentrations of fecal coliform over shellfish beds.

Otherwise, we found the draft well organized and written.

Please contact Ecologist John Portnoy (508-487-3262 ext. 107; email: john_portnoy@nps.gov) of my staff for technical information and updates on tidal restoration projects here.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Price, Jr.', with a stylized, cursive script.

George E. Price, Jr.
Superintendent

cc: Carl Gustafson, NRCS, Amherst
Tim Smith, MCZM, Boston
Donald Liptak, NRCS, Barnstable
Gordon Peabody, HRTC, Wellfleet



The Town of Barnstable

Office of Town Manager

367 Main Street, Hyannis MA 02601

www.town.barnstable.ma.us

Office: 508-862-4610

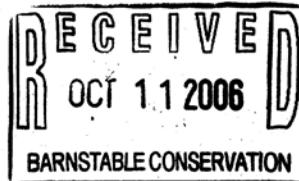
Fax: 508-790-6226

Email: john.klimm@town.barnstable.ma.us

John C. Klimm, Town Manager

October 10, 2006

Mr. Cecil Curran, State Conservationist
USDA-NRCS
451 West St.
Amherst, MA 01002



Dear Mr. Curran:

My environmental staff recently briefed me on NRCS' proposed Cape Cod Water Resources Restoration Project. I was impressed by the scope of the project and its focus on the pressing natural resource issues affecting Barnstable and Cape Cod. I sincerely believe that if implemented, the project will have a far-reaching impact across our region. In restoring and protecting our near-shore assets, the project will go a long way in preserving the quality of life for Cape Codders and its many, many visitors.

As designed, the Cape Cod Water Resources Restoration Project will achieve the following goals:

1. Restore salt marshes to benefit fish and wildlife.
2. Measures to restore fish passage on existing anadromous (born in fresh water, live in the ocean migrating back to fresh to spawn) fish runs.

Examples of structural measures include:

- Water control structures, fish ladders and fish passages.
 - Culvert enlargement or replacement for tidally restricted salt marshes.
1. Restore and protect shellfish beds by treating storm water runoff.

Examples of improvements include:

- Constructed wetlands, infiltration basins or trenches
- Dry wells and sand filters
- Vegetative filters

The project payoff would be of enormous economic and environmental benefit to our region. It would restore approximately 1,500 acres of degraded salt marsh. It will restore 4,200 acres of spawning and nursery habitat for anadromous fish, and improve the water quality for over 7,300 acres of shellfish beds by treating storm water runoff.

I wish you every success with this timely and innovative proposal, and lend it my unqualified support.

Sincerely,

John C. Klimm
Town Manager

Cc: Sen. Kennedy, Sen. Kerry, Rep. Delahunt, Barnstable Conservation District



**Board of Selectmen
Town Administrator**

2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
FAX (508) 896-8089



Mr. Cecil Currin
USDA Natural Resources Conservation Service
451 West Street, Suite 1
Amherst, MA 01002

RE: Cape Cod Water Resources Restoration Project

October 11, 2006

Dear Mr. Currin;

We are writing in support of the Cape Cod Water Resources Restoration Project. We understand that this project is really the coordination of various smaller projects targeted to restore degraded salt marshes, reduce direct storm-water run-off, improve fish access to spawning habitat and improve water quality in shellfish beds. In light of the recent findings of the Pleasant Bay TMDL Report that close to 45% of the nitrogen load in Pleasant Bay is attributed to sediments, we hope that dredging and flushing improvement projects will not be dismissed as infeasible, too expensive, or too disruptive. Clearly, if nitrogen loads and eutrophication are to be addressed, the water resource restoration project should consider all methods that could enhance flushing rates or slow and retain storm-water run-off to reduce sediment build-up.

Thank you for your thoughtful consideration.

Sincerely,

Dyanne F. Cooney
Brewster Board of Selectmen

Cc: Keith Johnson
Don Liptack



TOWN OF YARMOUTH

1146 ROUTE 28 SOUTH YARMOUTH MASSACHUSETTS 02664-4492

Telephone (508) 398-2231, Ext. 271, 270 — Fax (508) 398-2365

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR
Robert C. Lawton, Jr.

October, 11 2006

Mr. Cecil B. Currin
State Conservationist
USDA Natural Resources Conservation Service
451 West Street, Amherst, MA 01002

Re: Letter of Support for Cape Cod Water Resources Restoration Project (CCWRRP)

The Town of Yarmouth wishes to express our unqualified support for the proposed "Cape Cod Water Resources Restoration Project". This project, proposed by the Natural Resources Conservation Service, represents one of the most important environmental restoration projects ever proposed for Cape Cod. The project will restore 1,500 acres of degraded salt marsh, improve fish access to 4,200 acres of spawning habitat in our coastal ponds and lakes, and improve water quality for 7,300 acres of shellfish beds through structural improvements and stormwater treatment. It has been designed to benefit the entire Cape Cod watershed, its habitat and human residents alike.

The Cape Cod Water Resources Restoration Project will not only improve our environment, but will also provide long-term benefits to the Cape's tourist-based economy, which depends heavily on clean water, clean beaches, abundant shellfish and fish, and healthy coastal ecosystems. Local construction jobs that will be created in the short term will also benefit our economy.

We urge our legislators to support this project and to pass the federal funding bill that will make this project a reality. We look forward to the approval and implementation of this project. Our town pledges to support this project over its lifetime and will work closely with the NRCS to ensure full success of the project.

Thank you for the opportunity to provide this letter of support.

Sincerely,

Robert C. Lawton Jr.
Town Administrator

cc: Senator Kennedy
Senator Kerry
Congressman Delahunt
Don Liptack, NRCS District Conservationist

State Senator Robert O'Leary
State Representative Cleon H. Turner
State Representative Demetrius J. Atsalis





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
One Blackburn Drive
Gloucester, MA 01930-2298

October 12, 2006

Cecil B. Currin
State Conservationist
Natural Resources Conservation Service
451 West Street
Amherst, MA 01002

RE: Letter of Support for the Cape Cod Resources Restoration Project

Dear Mr. Currin:

This letter serves to document the NOAA Restoration Center Northeast Region's support for your planned Cape Cod Water Resources Restoration Project. As you know, the Restoration Center is very active in restoring degraded coastal areas on Cape Cod, and welcomes the efforts of the NRCS to become involved with Cape Cod projects to restore salt marshes, provide fish passage, and improve water quality for shellfish.

Restoration Center staff have provided input to your Cape Cod Resources Restoration Project by participating in the development of the salt marsh assessment methodology and commenting on the draft Environmental Impact Statement. We look forward to continuing to work with NRCS as you move from this planning stage to prioritizing and implementing restoration projects.

Sincerely,

John G. Catena
Northeast Regional Supervisor
NOAA Restoration Center

cc: Carl Gustafson, NRCS
Steve Block, NOAA
Eric Hutchins, NOAA





TOWN OF BOURNE
Town Administrator

24 Perry Avenue
Buzzards Bay, MA 02532
Phone 508-759-0600 x304 – Fax 508-759-0620



THOMAS M. GUERINO
email: tguerino@townofbourne.com

October 17, 2006

Mr. Cecil Curran, State Conservationist
USDA-NRCS
451 West Street
Amherst, MA 01002

Re: Letter of Support for NRCS Cape Cod Water Resources Restoration Project (CCWRRP)

Dear Mr. Curran:

I am writing to express my unqualified support for the proposed Cape Cod Water Resources Restoration Project, which the Town of Bourne sees as essential to preserving and restoring our coastal resources.

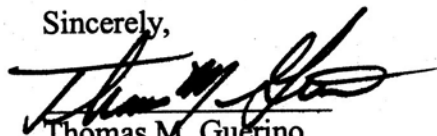
The Cape Cod Water Resources Restoration Project will achieve the following important goals:

- 1) Restore salt marshes to benefit fish and wildlife. Examples of structural restoration measures include enlargement or replacement of culverts to improve tidal flow in tidally restricted salt marshes.
- 2) Restore fish passage on existing anadromous fish runs. Anadromous fish are born in fresh water ponds and lakes, migrate to the ocean via fish runs, then return as adults along the same runs to breed in their pond or lake of origin. Examples of structural improvements to restore fish runs include water control structures, fish ladders and fish passages.
- 3) Restore and protect shellfish beds by treating stormwater runoff. Examples of structural measures to treat stormwater include constructed wetlands, infiltration basins and trenches; dry wells and sand filters; and vegetative filters.

The project would be of enormous economic and environmental benefit to our region. It would restore approximately 1,500 acres of degraded salt marsh, 4,200 acres of spawning and nursery habitat for anadromous fish, and improve the water quality of over 7,300 acres of shellfish beds by treating stormwater runoff.

I wish you success with this timely and innovative proposal, and pledge to lend whatever assistance I can on behalf of the Town to see it implemented.

Sincerely,



Thomas M. Guerino
Town Administrator

cc: Senator Kennedy
Senator Kerry
Congressman Delahunt
State Representative Williams-Gifford
State Representative Perry
State Representative Patrick
Donald Liptack, NRCS District Conservationist



The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

JEFFREY DAVIS PERRY
REPRESENTATIVE
5th BARNSTABLE DISTRICT

ROOM 136, STATE HOUSE
(617) 722-2800 ext. 8743
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POST OFFICE BOX 1435
SANDWICH, MA 02563
TEL: (508) 888-2158
Rep.JeffreyPerry@hou.state.ma.us

October 20, 2006

Cecil Currin, State Conservationist
USDA-NRCS
451 West Street
Amherst, Massachusetts 01002

Re: Cape Cod Water Resources Restoration Project

Dear Ms. Currin:

Please allow this to serve as a letter of support for the proposed "Cape Cod Water Resources Restoration Project." My office has been working with the Cape Cod Conservation District on this project and we have seen first hand the tremendous work they perform.

In reviewing the "Cape Cod Water Resources Restoration Project" draft proposal, I can tell you that that I am in full support of these efforts to restore our natural habitats here on Cape Cod. As you know, this project is slated to restore fish passages, restore access to salt marshes, and protect shellfish beds. All of these measures are to ensure that Cape Cod's fragile ecosystems are protected and restored to their fullest potential.

I ask for your favorable consideration of this project. Please feel free to contact me should you have any questions concerning this letter. I can be reached at (508) 888-2158 or (617) 722-2800 extension 8743.

Regards,


Jeffrey Davis Perry
State Representative
5th Barnstable District

cc: Cape Cod Conservation District, Lee A. Davis - Chair

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